

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHELE KATHER, an individual, *et al*,

Case No. 1:22-cv-01842-MC

Plaintiffs,

ORDER

v.

ASANTE HEALTH SYSTEM and
DOES 1 THROUGH 50,

Defendants.

KIMBERLEE THOMPSON, an individual, *et al*,

Case No. 1:23-cv-00486-CL

Plaintiffs,

v.

ASANTE HEALTH SYSTEM and
DOES 1 THROUGH 50,

Defendants.

MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation, ECF Nos. 92 (in *Kather*) and 134 (in *Thompson*). The matter is now before this Court on Plaintiffs' objections. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). I review *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct.

Asante has shown that allowing any unvaccinated workers to work in-person during the relevant time frame would have been an undue hardship. Two Plaintiffs, Stone and Lyon, have

succeeded in raising a dispute of fact as to whether they could have worked fully remotely, and thus whether such an accommodation would have been an undue hardship for Asante. As to the remaining Plaintiffs, Asante is entitled to judgment as a matter of law. Asante has also carried its burden on its motion to strike specific portions of the 59 declarations submitted by Plaintiffs. The Court also dismisses the unknown “Doe” defendants, grants Plaintiffs’ request to amend their admissions, and denies Asante’s motion for sanctions. In each case, the Court holds the following:

In *Kather*, 1:22-cv-01842-MC: Asante’s Motion for Summary Judgment, ECF No. 61, is GRANTED in part and DENIED in part. Asante is entitled to summary judgment as to all Plaintiffs except Plaintiff Jessica Stone. The remaining Plaintiffs are dismissed with prejudice. The unknown “Doe” defendants are DISMISSED. Asante’s Motion to Strike, included in the Reply, ECF No. 83, is GRANTED.

In *Thompson*, 1:23-cv-00486-CL: Asante’s Motion for Summary Judgment, ECF No. 56, is GRANTED in part and DENIED in part. Asante is entitled to summary judgment as to all Plaintiffs except Plaintiff Bianca Lyon. The remaining Plaintiffs are dismissed with prejudice. The unknown “Doe” defendants are DISMISSED. Asante’s Motion to Strike, included in the Reply, ECF No. 123, is GRANTED. Plaintiffs’ Motion to Withdraw or Amend Admissions, ECF No. 115, is GRANTED. Asante’s Motion for Sanctions, ECF No. 60, is DENIED.

Magistrate Judge Clarke’s Findings and Recommendation is adopted in full.

IT IS SO ORDERED.

DATED this 14th day of August 2025.

/s/Michael J. McShane
Michael J. McShane
United States District Judge